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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF WASHINGTON  
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7 HOLLAND and KNIGHT,

8 Plaintiff,

9 vs.

10 ALAN DeATLEY,

11  
12 Defendant and  
13 Counter-Claimant.)

No. CV-06-00278-JLQ

ORDER OF DISMISSAL  
WITH PREJUDICE

14 On September 18, 2008, pursuant to the Stipulation of the parties, this court  
15 entered its Amended Order (C.R. 630) providing for the distribution of the funds held  
16 by attorney Andrew Smythe in the Lien Security Trust Account and, upon the filing with  
17 this court of notice of receipt thereof, dismissal with prejudice of the Complaint, the First  
18 Amended Counterclaim and the claims therein, reserving the Defendant's right to appeal  
19 this court's dismissal of his legal malpractice Counterclaim and his challenge to the  
20 jurisdiction of this court.

21 The court has now been advised that the monies held in the Lien Security Trust  
22 Account have been disbursed and notices of receipt filed with the court. By reason  
23 thereof, IT IS HEREBY ORDERED that the Plaintiff's Complaint and the claims therein  
24 and the Defendant's Counterclaim and the claims therein, be and the same are hereby  
25 dismissed with prejudice without costs or attorney fees to any party hereto, reserving  
26 unto the Defendant his right to appeal this court's dismissal with prejudice of his legal  
27 malpractice Counterclaim against the Plaintiff, and reserving also the Defendant's right

1 to appeal the denial of his challenges to the jurisdiction of this court over the Plaintiff's  
2 Complaint.

3 The law firm of Paine Hamblen and attorney Andrew Smythe are released from  
4 any and all liability as trustee of the Lien Security Trust Account.

5 The Clerk of this court shall enter this Order, enter judgment as provided herein,  
6 forward copies to counsel, and close this file.

7 **DATED** this 24th day of October 2008.

8  
9 s/ Justin L. Quackenbush  
10 JUSTIN L. QUACKENBUSH  
11 SENIOR UNITED STATES DISTRICT JUDGE  
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